

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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gage or incorporated by reference in any mortgage wherein that secures a loan primarily for business, commercial or agricultural purposes extended to a corporation is the mortgagor, partnership or trust, provided that the power of sale is not used to foreclose on the primary residence of any mortgagor who is a natural person.

See title page for effective date.

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## CHAPTER 135

H.P. 408 - L.D. 591

### An Act Restricting the Use of the Names of Maine Banks on Credit Cards

Be it enacted by the People of the State of Maine as follows:

9-B MRSA §241, sub-§7 is enacted to read:

7. Restrictions on use of names of Maine financial institutions on credit cards. A credit card may be titled and may have on its face the name of a financial institution authorized to do business in this State only if the terms of the credit card contract comply with the laws applicable to that financial institution. This section becomes effective for any new credit card programs implemented after November 1, 1991 or at the next renewal for any credit card accounts existing at that time.

See title page for effective date.

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## CHAPTER 136

H.P. 464 - L.D. 658

### An Act to Clarify the Lien Rights of Water Utilities

Be it enacted by the People of the State of Maine as follows:

35-A MRSA §6111 is enacted to read:

#### §6111. Liens on multi-unit residential rental property

Notwithstanding section 706, when a landlord has applied for and is granted water utility service to a multi-unit residential rental property, the water utility has a lien on the property and on any interest the landlord has in the multi-unit residential rental property to secure payment for the water utility's service to that property with costs and with interest at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

The method for obtaining, enforcing and receiving payment on the lien must be performed in the same manner, have the same effect and create the same rights as is provided in Title 38, section 1208, pertaining to the collection of unpaid

rates by a sanitary district, except that a sanitary district lien created under Title 38, section 1208 has priority over a water utility lien created under this section.

See title page for effective date.

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## CHAPTER 137

H.P. 566 - L.D. 809

### An Act to Amend Maine's Antitrust Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §1103 is repealed.

Sec. 2. 10 MRSA §1104, sub-§2, ¶D is enacted to read:

D. Any person who violates the terms of an injunction issued under this section must forfeit and pay to the State, to be applied in carrying out this chapter, a civil penalty of not more than \$50,000 for each violation.

Sec. 3. 10 MRSA §1104, sub-§3, as enacted by PL 1987, c. 60, §1, is amended to read:

3. Civil penalty. Each course of conduct which that constitutes a violation of sections section 1101 and or 1102 is a civil violation for which a civil penalty of not more than ~~\$50,000~~ \$100,000 for each defendant shall may be adjudged.

A. In any action initiated by the Attorney General pursuant to this section to prevent and restrain violations of sections 1101 and 1102, the Attorney General may include an action to recover civil penalties by each defendant for each course of conduct alleged.

B. An action to recover a civil penalty from a defendant under this section shall bar bars a criminal prosecution pursuant to section 1101 or 1102 against that defendant for the same course of conduct on which the action to recover the civil penalty is based.

C. A criminal prosecution against a defendant pursuant to section 1101 or 1102 shall bar bars any action to recover a civil penalty under this section from that defendant for the same course of conduct on which the criminal prosecution is based.

Sec. 4. 10 MRSA §1107, as amended by PL 1977, c. 175, §4, is further amended to read:

#### §1107. Investigation by Attorney General

The Attorney General upon his the Attorney General's own initiative or upon petition of 50 or more citizens of this State, shall investigate all seeming violations of sections 1102-A and 1105 to 1107, all contracts, combi-